

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ARVEDA ROLLINS, Personal Representative )	)	
of the Estate of Dr. John Gordon Rollins,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NO. CIV-12-921-D
	)	
THE STATE OF OKLAHOMA, ex rel., the	)	
NORMAN VETERANS CENTER, an agency	)	
or division of the Oklahoma Department of	)	
Veterans Affairs; CHRISTY HOWELL,	)	
individually; and MARY CLIFTON,	)	
individually,	)	
	)	
Defendants.	)	

**ORDER**

On August 2, 2013, the Court entered its Order [Doc. No. 26] granting the motion for judgment on the pleadings of Defendants Christy Howell (“Howell”) and Mary Clifton (“Clifton”) on grounds of qualified immunity as to the federal claims brought against those Defendants pursuant to 42 U.S.C. § 1983. Because the section 1983 claims were the only federal claims alleged in the action, the Court declined to exercise supplemental jurisdiction over the remaining state law claims and remanded those claims to the District Court of Oklahoma County, State of Oklahoma, for further proceedings.<sup>1</sup>

Thereafter, Defendants Howell and Clifton filed a Motion for Judgment Under Rule 58(d) with Brief in Support [Doc. No. 27] and requested the Court enter a judgment as to the federal claims by separate document. Plaintiff filed its response [Doc. No. 28] stating that she had no

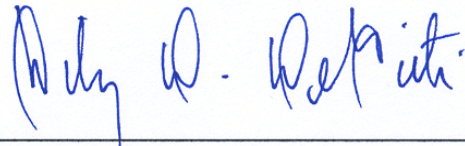
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<sup>1</sup>The Court’s August 2, 2013 Order constitutes a final decision even in the absence of a Rule 58 judgment. *See Koch v. City of Del City*, 660 F.3d 1228, 1236-1237 and n. 2 (10<sup>th</sup> Cir. 2011) (where district court granted summary judgment as to all state law claims and remanded remaining state law claims to state court its decision was final).

objection to the Motion.

Pursuant to Fed. R. Civ. P. 58(c), judgment is deemed entered at the earlier of the following two events: (1) it is set out in a separate document; or (2) 150 days have run from the entry in the civil docket. *Id.* Here, 150 days have run from entry on the Court's docket of the August 2, 2013 Order. Pursuant to Rule 58(c), judgment was deemed entered as of December 30, 2013, without entry of a separate document. Defendants' Motion, therefore, is denied as moot.

IT IS SO ORDERED this 19<sup>th</sup> day of February, 2014.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE